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| 10/603,724 | 06/24/2003 | Dave Anderson | 60027.0198US01/BS# 030101 | 3321 |
| 39262 | 7590 | 02/07/2007 | EXAMINER | |
| MERCHANT & GOULD BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402 | | | CROSS, ALAN | |
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| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/603,724 | ANDERSON ET AL. |
| | Examiner Alan Cross | Art Unit 3714 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 November 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13,15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sinclair et al. (US Patent #6554707).

Regarding claim 1,10,13,17: Sinclair discloses a method of providing gaming with automation using verbal communication comprising: receiving verbal instruction from the game player at the voice synthesis device in response to providing the verbal information applying the verbal instruction from the game player to update the current game status providing verbal information of a current game status to a game player from a voice synthesis device and providing verbal information of the updated current game status to the game player from the voice synthesis device (col. 1, 63-67, col. 2 1-50). Where the verbal information is conveyed over a communication network (col. 5, 33-50, col. 18, 31-40). The voice services node is either on the mobile device or on the server containing game data

Regarding claim 2: Sinclair discloses the method of claim 1, wherein applying the verbal instruction from the game player to update the current game status occurs at the voice synthesis device by applying speech recognition and natural language understanding (col. 2, 30-50).

Regarding claim 3: Sinclair discloses the method of claim 2, wherein the voice synthesis device is a personal device of the game player, the method further comprising periodically accessing a computer-implemented application over a communications network to update game data of the voice synthesis device (col. 17, 14-20).

Regarding claim 4: Sinclair discloses the method of claim 1, wherein applying the verbal instruction from the game player to update the current game status occurs at a network-based computer-implemented application and wherein the voice synthesis device is a personal device of the game player and receives the verbal instruction directly from the game player and the verbal information directly to the game player. (col. 15, 45-60)

Regarding claim 5: Sinclair discloses the method of claim 4, further comprising: receiving information data at the voice synthesis device from the network-based computer-implemented application over a data network; converting the information data into verbal information at the voice synthesis device; interpreting the verbal instruction from the game player to produce instruction data at the voice synthesis device; and transferring the instruction data to the network-based computer-implemented application from the voice synthesis device over the data network (col. 16, 1-15)

Regarding claim 6: Sinclair discloses the method of claim 1, wherein applying the verbal instruction from the game player to update the current game status occurs at a network-based computer-implemented application (col. 4, 46-50)

Regarding claim 7: Sinclair discloses the method of claim 6, further comprising: receiving information data at the voice services node from the computer-implemented application; converting the information data into verbal information at the voice services node; interpreting the verbal instruction from the game player to produce instruction data at the voice services node; and transferring the instruction data to the network-based computer-implemented application from the voice services node. (fig. 5, col. 5, 33-45)

Regarding claim 8,16: Sinclair discloses the method of claim 1, further comprising: receiving verbal instruction from the second game player at the voice synthesis device in response to providing the verbal information; applying the verbal instruction from the second game player to further update the current game status; and where a second player could update the game using voice commands and providing verbal information of a current game status to a second game player from the voice synthesis device; and providing verbal information of the updated current game status to the second game player and to the game player from the voice synthesis device.(col. 5, 59-67, col. 6, 1-10)

Regarding claim 9: Sinclair discloses the method of claim 8, comprising: providing the verbal instruction for the game player to the second game player: and

providing the verbal instruction from the second game player to the game player. (fig. 6, col. 5, 59-67, col. 6, 1-10)

Regarding claim 11: Sinclair discloses the system of claim 10, wherein the voice synthesis device periodically communicates over a communications network with the second network-based computer-implemented application portion to obtain the updates to the game data. It is a inherent quality that online and multiplayer games would be used over a communication network. (col. 4, 45-50)

Regarding claim 12: Sinclair discloses the system of claim 10, wherein the personal voice synthesis device is a personal computer (col. 1, 48-60). It is known that a personal computer can be a mobile station

Regarding claim 15: Sinclair discloses the system of claim 13, wherein the voice synthesis system comprises: a personal computer of the game player that receives first voice-over-IP data, converts the first voice-over-IP data to the verbal information, receives the verbal instructions, and converts the verbal instructions into second voice-over-IP data; and a voice-over-IP exchange that receives the information data and converts the information data into the first voice-over-IP data, and that receives the second voice-over-IP data and converts the second voice-over-IP data into the instruction data (col. 4, 45-53).

Regarding claim 18: Sinclair discloses the system of claim 17, further comprising a profile database containing profile data for the game player ,and wherein the network-based computer-implemented application accesses the profile data for the game player

based on verification of the game player to configure the game being played. (col. 7, 10-20

Regarding claim 19: Sinclair discloses the system of claim 18, wherein the verbal instruction from the game player comprises profile information for configuring the game being played, wherein the voice services node converts the profile information into profile data included in the instruction data, and wherein the network-based computer-implemented application stores profile data in the profile database for subsequent use in configuring the game being played (col. 7, 10-20)

Regarding claim 20: Sinclair discloses the system of claim 17, wherein the voice services node provides the verbal information of a current game status to a second player through the communications network over a second voiced call, receives verbal instruction from the second player over the second voiced call, converts the verbal instruction of the second game player to instruction data, and provides the instruction data, and wherein the network-based computer-implemented application applies the instruction data to further update the game status. (col. 5, 59-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 14, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinclair applied to claims 1-13, 15-20 in view of Microsoft Sidewinder Game Voice.

Regarding claim 21: Sinclair teaches the system of claim 20, wherein the voice services node bridges the voiced call with the game player to the second voiced call with the second game player (col. 4, 54-60, col. 5, 59-67). The node is considered to be any part of the network that transmits the information from the personal device, to the server and back.

Regarding claim 22: Sinclair teaches the system of claim 21, wherein the voice services node bridges the voiced call with the game player to the second voiced call with the second game player except where that the game player can hear the second game player but the second game player cannot hear the first game player. Microsoft Sidewinder Game Voice teaches using channels where users can privately share strategy with certain users or with the whole plurality of users. It would have been obvious to one of ordinary skill in the art to use Sinclair with Microsoft Sidewinder Game

Voice so that users could easily share strategy and commands while playing an online game.

Regarding claim 23: Sinclair teaches the system of claim 17, wherein the voice services node provides the verbal information of a current game status to a second player through the communications network over the voiced call, receives verbal instruction from the second player over the voiced call, distinguishes the voice of the second game player from the voice of the first game player, converts the verbal instruction of the second game player to second instruction data, and provides the second instruction data, and wherein the network-based computer-implemented application applies the second instruction data to further update the game status. Sinclair teaches user ID's where this would distinguish between users voices on each of there devices.

Regarding Claim 24: Sinclair teaches the system of claim 17, wherein the network-based computer implemented application also provides visual information, in coordination with the verbal information provided from the voice services node, to a display device of the game player (fig. 17A)

Regarding claim 14: Sinclair teaches the system of claim 13, wherein the voice synthesis system comprises: a personal data device of the game player that receives and audibly produces the verbal information, receives the verbal instructions. Except for converting the verbal instructions into DSR parameterization data; and a voice services node that receives the information data from the application, converts the information data into the verbal information, receives the DSR parameterization data,

and converts the DSR parameterization data into the instruction data. It is well known to use DSR parameterization data to convert voice commands into instruction data to lower the processing and data rate needed to convert and send commands. It would have been obvious to one of ordinary skill in the art at to modify Sinclair with DSR to make converting verbal commands a easier task and to lessen the processor power needed to convert and send the commands.

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection. Sinclair was used to show the voice-controlled gaming over a communications network that takes and responds with a synthesized voice.

In respect to the provisional double patenting rejection has been withdrawn for app #10610266, 10603403, 10610045.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529. The examiner can normally be reached on 8-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/603,724
Art Unit: 3714

Page 11

ARC 571-272-5529

 2/5/07

ROBERT OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700